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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,804	11/19/2001	Jerry Bessa	01GEN1	9467

7590 05/13/2004  
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EXAMINER

GESESSE, TILAHUN

ART UNIT PAPER NUMBER

2684

DATE MAILED: 05/13/2004

485

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/054,804

Applicant(s)

BESSA ET AL.

Examiner

Tilahun B Gesesse

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/19/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 15-17 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 4.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2684

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of claims 1 through 14 and withdrawal of non-elect claims 15-17 from consideration, as per telephone interview summary in Paper No. 4.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 through 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachner, III et al "Bachner" In view of De Crouy-Chanel et al "De-Chanel" (6,131,018).

As to claim 1, Bachner discloses a holster (20) operable for attachment to a person (22), for transporting and recharging a battery powered portable communication device (column 3, lines 33-49 and figures 1-3) comprising:

.Art Unit: 2684

Bachner discloses a container (20) having a holder with an outer surface having a solar energy (31) affixed thereto, and the holder an externally accessible for receiving and housing a portable communication device there within (column 3, line 33-column 4 line 32).

Bachner discloses a clip (22) pivotally attached to the holder, the clip (22) being operable for attachment of the holster to the person, thereafter enabling the person to the solar energy with respect to a source or radiant energy (column 3, lines 33-49 and column 4 lines 3-16).

Bachner does not expressly teach photovoltaic and rotationally adjust the orientation of the photovoltaic cell.

However, De-Chanel discloses photovoltaic cell (20) and rotationally adjusts the orientation of the photovoltaic cell (column 2 lines 10-46 and figures 1-5). Since, Bachner, in the similar art of endeavor, teaches solar energy, then, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Bachner and De-Chanel, backing the battery pack by photovoltaic cell, as taught by De-Chanel, in order to energize the portable telephone using photovoltaic cell as back up power.

As to claims 2-3, Bachner discloses a battery recharging circuit integral therewith, the battery recharging circuit being electrically connected to the solar cell "photovoltaic cell" (figure 6).

As to claim 8, which recites the steps of apparatus, similar to claim 1, is rejected for the same reason as set forth in the claim.

Art Unit: 2684

As to claims 9-10, Bachner discloses a battery recharging circuit integral therewith, the battery recharging circuit being electrically connected to the solar cell "photovoltaic cell " (figure 6).

Claims 4-7 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachner in view of De-Chanel as applied to claims 1-3 and 9-10 above, and further in view of Hashimoto (5,867,797).

As to claims 4-7, Bachner and De-Chanel do not teach a visual connection indicator means operable for verifying electrical connection between the battery recharging circuit and the rechargeable battery housed within the communication device and a light emitting diode. However, Hashimoto discloses a visual connection indicator means operable for verifying electrical connection between the battery recharging circuit and the rechargeable battery housed within the communication device and a light emitting diode (column 2, line 51-column 3, line 25 and figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Bachner, De-chanel and Hashimoto, in indicating the charge connection, as taught by Hashimoto, in order to display the status of the charging process to the user.

As to claims 11-14, Bachner and De-Chanel do not teach a visual connection indicator means operable for verifying electrical connection between the battery recharging circuit and the rechargeable battery housed within the communication device and a light emitting diode. However, Hashimoto discloses a visual connection indicator means operable for verifying electrical connection between the battery recharging circuit

Art Unit: 2684

and the rechargeable battery housed within the communication device and a light emitting diode (column 2, line 51-column 3, line 25 and figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Bachner, De-chanel and Hashimoto, in indicating the charge connection, as taught by Hashimoto, in order to display the status of the charging process to the user.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Waker (6,127,797) discloses light operated telephone that comprises a solar array battery subsidizer or charger (abstract and figure 1).

Miller (5,012,220) discloses a kit for providing solar power to a battery powered paging device. The kit includes a pair of mounting posts, which are affixed to the pager and a module having strips of solar cells (abstract and figure 1).

.Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Art. Unit: 2684

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TBG

Art unit 2684

May 11, 2004

  
TILAHUN GESESSE  
PATENT EXAMINER